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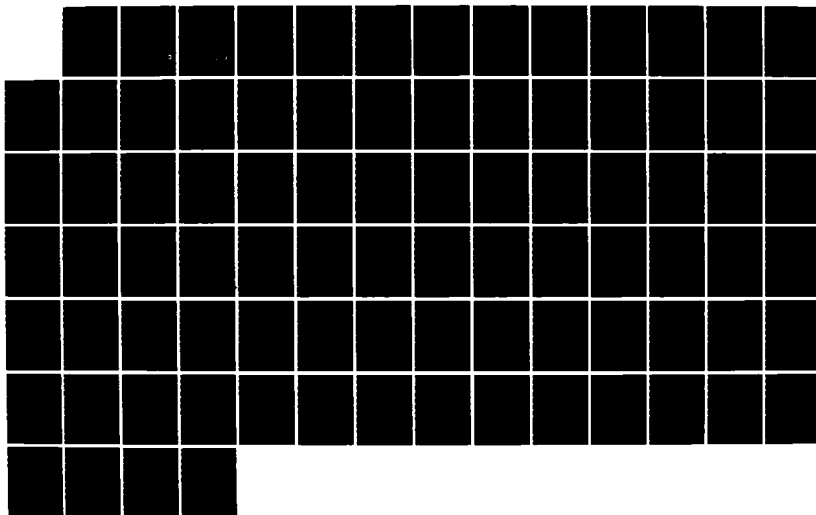
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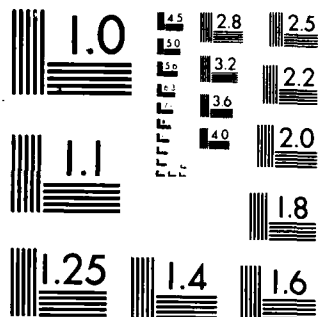
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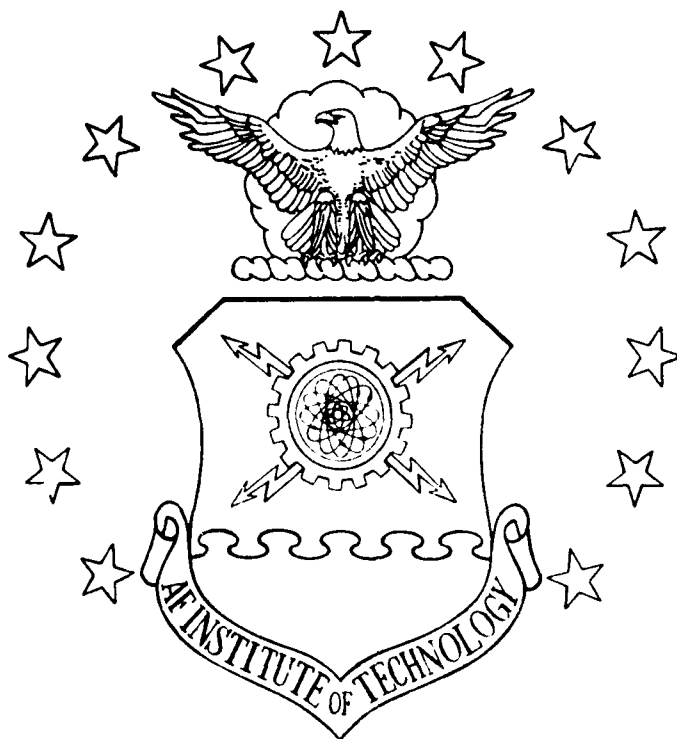
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THE LIMITS OF MORAL PRINCIPLE:
AN ENDS, MEANS, AND ROLE SPHERES
MODEL OF THE ETHICAL THRESHOLD

Clark Bruce Kidd
Captain, USAF

AFIT/GLM/LSH/86S-38

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THE LIMITS OF MORAL PRINCIPLE:
AN ENDS, MEANS, AND ROLE SPHERES MODEL OF
THE ETHICAL THRESHOLD

THESIS

Presented to the faculty of the School of Systems and Logistics
of the Air Force Institute of Technology

Air University

In Partial Fulfillment of the
Requirements of the Degree of
Master of Science in Logistics

Clark Bruce Kidd, B.A.

Captain, USAF

September 1986

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Preface

As I have discussed my thesis topic with my fellow students and other interested parties, I have experienced some very mixed reactions. Some respond as if it were a very relevant subject with something important to say; others respond as if it were a very esoteric subject from "somewhere in outer space," and dismiss the ideas as not applicable or not pragmatic.

I can agree that all persons do not function the same when approaching an issue, and therefore the approach and substance of this thesis will not be agreeable to everyone. I do hope, however, that an open-minded reader can find important elements which will be of benefit in coping with the value dilemmas inherent in public and private life.

In acknowledging those to whom I owe a debt of gratitude for assistance with this work, I am firstly and foremostly grateful to my thesis advisor, Dr. John Muller. I greatly appreciate the mentorship he has provided for the past year. He "struck the sparks" of many ideas for me, some of the flames of which have grown into the present effort. I also appreciate that he has given me "lots of space" in developing my ideas, enough room that my thoughts could follow their sporadic, erratic, evolutionary path to what I feel is a creative end.

Considering that this thesis represents more or less a landmark work in my life, I feel I owe a debt of gratitude to many persons in the past who have influenced me academically and philosophically. I would like to mention a few individuals specifically:

I am indebted to Dr. M. Judd Harmon, who as one of my undergraduate degree instructors, provided superb instruction regarding the history of political philosophy. His teachings regarding such things as natural law theory and social contract theory gave me a jumping-off point for structuring my ideas.

I also feel a need to thank, belatedly, Mr. Alma J. Pate for being a caring high school English instructor. He influenced significantly my aspirations and values at a critical time of my life.

I thank Lt. Col. Samuel Woody (my former boss at ASD/YYRD), the best supervisor in the U. S. Air Force. Without his encouragement, I would never have attended AFIT, and would never have had the wonderful opportunity of formulating this thesis.

I am indebted to my wife Elaine for her many indirect contributions: for the positive reinforcement she has kindly provided, for the questions she has asked which have identified weaknesses needing to be strengthened, and for taking up the slack in the many family duties I have let slide in the past months.

Finally, in recognizing sources of contribution, I must acknowledge the one great God who oversees us all. While I must take credit for all flaws, fallacies, and errors in this thesis, any elements of truth it contains must be credited to Him.

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Abstract

This thesis deals with the philosophical problem of distinguishing right from wrong. Concepts including the existence of truth, intrinsic good, instrumental good, natural law theory, social contract theory, just war theory, and role expectations are integrated into a geometric model of the ethical threshold.

The ethical threshold is a secular framework (as opposed to an ecclesiastical one) representing a crossover boundary between what is ethically justified and what is not. The framework deals more particularly with situations where severe means are contemplated to achieve good ends.

The model of the ethical threshold is offered as a device for illuminating or clarifying the issues surrounding ethical dilemmas. This illumination of values can be useful in coping with stressful situations, or it can be of benefit in every aspect of a person's life, depending on one's point of view. In either case, society will benefit. The model can be included in educational curriculum, can be incorporated into quantitative decision making techniques for managerial decisions, and can provide a categorization scheme for classifying ethical situations in future surveys or studies of ethical issues.

THE LIMITS OF MORAL PRINCIPLE
AN ENDS, MEANS, AND ROLE SPHERES MODEL OF
THE ETHICAL THRESHOLD

I. Introduction

In George Bernard Shaw's play Major Barbara, Undershaft, the old munitions maker, talks with his 24-year-old son about a career. Undershaft asks his son if he is interested in literature, and the young man replies, "No, I have nothing of the artist about me."

"Philosophy then?" his father asks. And the son replies, "Oh, I make no such ridiculous pretension." His father queries him about the army, the church, and the bar. The son disclaims any knowledge of or interest in any of these.

Finally Undershaft asks, "Well come, is there anything you care for?" To the which the son replies, "I know the difference between right and wrong." "You don't say so!" exclaims Undershaft. "What, no capacity for business, no knowledge of law, no sympathy with art, no pretension to philosophy, only a simple knowledge of the secret that has puzzled all the philosophers, baffled all the lawyers, muddled all the men of business, and ruined most of the artists? The secret of right and wrong--at 24, too."
(17:183)

From empirical observation of human behavior, it is obvious that judgment varies regarding right and wrong. Despite these variations in people's moral value systems, it is possible that some ideal moral value structure exists which transcends the opinions of individuals, and represents the way things ought to be. If such a transcendent ideal

exists, it should be possible to logically describe its attributes.

This thesis postulates that an element of moral truth is the existence of an ethical threshold--a crossover boundary between right and wrong. The purpose of this thesis is to describe and consider a geometric model which illustrates this threshold, with the hope that the model can be used by decision makers to better frame their ethical considerations and justify their positions when faced with a moral dilemma. It is further hoped that a particular benefit of such a model would be that it could be universally applied by persons with differing philosophical groundings. In a society that strongly believes in freedom of religious belief and philosophical ideas, such a framework for unanimity would appear to be especially beneficial.

The question could be raised as to the relevance of a philosophy thesis for a student pursuing a master of science in logistics degree. If logistics is considered to be the management of such things as manpower, equipment, materiel, facilities, etc. in military operations (20:1331), a good deal of the management decisions and actions to be taken would hinge on the predictability of behavior of those things. Psychologist Joseph F. Rychlack has expressed the fact that "the more the law-abiding person contemplates the contingencies of behavior in a moral sense the greater is the probability that his behavior will become even more

predictable than before" (15:98). By implication, a better understanding of ethical considerations can aid a person with predictability aspects of the human factor and thereby improve management.

The issue of ethics and predictability of the human factor seems to be an issue with which military organizations are perpetually concerned. High level management concern has recently been raised in the Air Force due to several surveys on integrity performed by the Air Command and Staff College (ACSC). A 1981 survey found that "nearly 90 percent of the officers felt that they had been pressured by the organization or their superior to compromise their integrity" (2:1). A 1983 follow up survey of officers and non-commissioned officers attending ACSC found "77 percent responded they felt pressured during their Air Force career to compromise their integrity in a job-related situation" (2:2). In response to concerns raised by these surveys,

General Charles A. Gabriel made the following statement:

When responsible, dedicated people are joined together by lofty goals, they expect and demand integrity. Integrity is the fundamental premise of military service in a free society. Without integrity the moral pillars of our military strength--public trust and self respect--are lost.

Integrity demands of each individual the highest standards of personal and professional honesty, and an unfaltering devotion to duty. It is rarely the easy way. Integrity is constantly assailed by self seekers, appeasers, and shirkers. Resist them all. You, the Air Force, and the Country will be the better for your resistance.

(5:2)

The evidence seems clear that an improved grasp of ethical considerations can be of substantial benefit to military managers in logistics as well as other career areas.

The perceived benefit of the model which is to be developed in this thesis and the ideas underlying its development grew from an effort to perform a case study of the recent space shuttle Challenger accident. In order to perform a review of ethical considerations in the shuttle accident, the question arose at a rather early stage--"What standard should be used to distinguish ethical behavior from unethical behavior?"

After consideration of that question, no particularly rigorous or absolute standard of ethical behavior was found suitable for the effort. In philosophy, two sources of truth are recognized:

- 1) revealed law, and
- 2) natural law (12).

Furthermore, it is generally agreed that complete harmony should exist between the correct conception of revealed law and the correct conception of natural law.

Undoubtably, many theologians would proclaim the existence of an absolute standard of revealed truth, and by implication, an absolute standard of right and wrong. This author does not dispute that one of the many claimants could indeed be correct. Obviously, however, a rigorous (or even non-rigorous) proof based on a particular religious belief

would certainly be beyond the scope of this thesis. Further, even if one takes as a given that such an absolute standard exists based on a theological system, such a standard does not seem fitting or functional under the present circumstances.

The overriding conviction that grew out of such ponderings was that a greater contribution could be made by developing a strong and reasonable ethical framework based in non-theological terms. The option of taking a non-theological approach to ethical considerations would seem to be an imperative in the American society, which cherishes highly the value of freedom of religious belief. This would be particularly true when dealing with a public institution such as NASA, the military, or law enforcement. In such an institution, it would seem improper to attempt to mold or influence ethical behavior by advancing one's religious belief upon others. Nevertheless, supervisors remain responsible for attempting to influence behavior of others toward the accomplishment of organizational objectives.

A search was begun for an ethical foundation based on non-theological terms; that is, grounded in the natural law. This was done not in an attempt to deny any particular religious belief, but in an attempt to develop or find a framework that would be compatible with general religious belief and able to function adequately while having respect for people's freedom of religious belief.

Philosophical systems based on revealed law and on natural law groundings are both compatible with the postulation of an absolute standard of truth (as alluded to earlier, they would ideally represent different methods of approximating the same standard). The caveat of a natural law grounding is that man can only approximate that standard through application of knowledge and reason. Man can only get as close to the truth as his current knowledge level and reasoning ability will allow.

After a review of various non-theological approaches to ethics, including approaches to normative ethics such as utilitarian theory, the theory of rights, and theory of justice, and not still finding a satisfactory approach, a geometric approach to ethics within natural law was developed. It was decided to redirect effort from a case study of the shuttle accident to a more complete development and analysis of the geometric model.

The underlying premises of the model are:

- 1) The model should be couched in non-theological terminology, but should be as universally compatible as possible with theological approaches.
- 2) Human societies in general behave as though an ethical threshold (a crossover boundary between moral and immoral behavior) exists, although some variation exists between and within societies on the matter. Such variation can be attributed to

differences in knowledge level and reasoning ability. This behavioral attribute of human societies lends support to the postulation of an ethical threshold as an element of the natural law.

3) Moral dilemmas arise where behavior that would otherwise be considered bad (lying, killing, etc.), is justified by the moral ends it is intended to accomplish. Stated more simply, "the ends justify the means." The model should accommodate the description of these situations in order to be realistic and useful.

Before proceeding to describe the development of the model, a certain amount of background information is required. In exploring philosophical thought, "a theorist's conclusions will depend largely upon his view of human nature" (6:4). What is the nature of man, and what gives his life meaning? Several fields in the sciences deal with man and his meaning: psychology, sociology, and philosophy, as well as innumerable theological approaches. Considering the volumes upon volumes of related literature on ethics, philosophy, and the psychology of human nature and values, it is clear that an exhaustive review is beyond the scope of this thesis. Chapter 2 does lay a basic foundation for understanding the ideas to follow in development of the model. Chapter 3 will explain and develop the model, which

will be further analyzed, applied, and considered in subsequent chapters.

The method of this thesis is not to offer empirical or antidotal evidence, but to reason from plausible definitions to necessary conclusions.

II. Background

Nature, Grotius pointed out, is the mother of natural law, whose child is the obligation of promises which begot civil society. Consequently, "nature may be considered the great grandmother of municipal law."
(21:179)

The purpose of this chapter is to seek to define ethics and to address categorizations, or taxonomies, of ethical thought. Also, in order to better appreciate concepts used in developing the model in chapter 3, the philosophical concepts of natural law, social contract, and just war theory will be treated.

Defining Ethics

What is ethics? Many would say they know it when they see it, but nevertheless have trouble describing it. A rather succinct idea offered by Fred Feldman is that "ethics is the philosophical study of morality" (3:1). A more detailed description offered by Ian Philip McGreal is that

Ethics is that branch of philosophy which critically examines, clarifies, and reframes the basic concepts and presuppositions of morality in general.

Specifically, ethics is the attempt to abstract, clarify, and examine the ideas of good and evil, right and wrong, duty and obligation.

The problems of ethics . . . tend to fall into three basic classes: problems about value and basic goods, problems about rightness and wrongness, and problems about moral obligation.
(10:1)

Returning to the first definition, that of ethics as the "philosophical study of morality," it would seem appropriate to address further the ideas of morality and philosophical study. The concept of morality can at times be difficult to define, although "most of us have some intuitive grasp of the distinction between moral and nonmoral" (3:9). Feldman states

The morality of a society, it seems, is the set of moral principles that are accepted in that society. The morality of a person, similarly, may be taken to be the set of moral principles he or she accepts. Morality in general, if there is such a thing, may be thought of as the set of all the true or correct moral principles This is obviously rather rough, and makes use of the undefined concept of "moral principle"
(3:9)

From the discussion provided by Feldman and McGreal, no clear distinction is drawn between the meanings of the words "ethics" and "morals;" the words are used practically as synonyms, one term being used in defining the other. Webster also describes ethics as the study of moral judgment. For the purposes of this thesis, the terms ethics, morals, and philosophical values are intended to refer to the same concepts.

Several potential approaches lead to a philosophical study or inquiry into ethics and morality. A classic approach would be to take a look at the evolution and development of related philosophical thought. From the perspective of the western world, this history would characteristically begin with the Greek philosophers; more specifically, Aris-

totle (384-322 B.C.) and Plato (427?-347 B.C.). While history acknowledges philosophers prior to their time, the thoughts, concepts, and ideas they expressed seem to form a nexus.

Feldman's Taxonomy

Alternatives can be found to an historical inquiry into ethics; for example, the taxonomy, or categorization scheme, outlined by Feldman. In his outline, Feldman lists five different approaches to a philosophical study of ethics.

- 1) Descriptive morals
- 2) Nontheoretic morals
- 3) Metaethics
- 4) Moralizing
- 5) Normative ethics

Each of these five approaches to inquiring into ethics deserve review. The order given here is not the same order of presentation given by Feldman. Normative ethics has been reserved for last, since, for the purposes of this thesis, it deserves the most descriptive detail.

Descriptive Morals. This refers to the "task of describing and comparing the [varying] moral codes of different groups." The basic idea is that "moral beliefs vary from society to society." Feldman asserts that this approach is more suited for study by the natural sciences, such as anthropology or sociology, rather than philosophy (3:9-10). This is because it is devoted more to describing

values as they are, rather than idealizing what they ought to be. The recent surveys performed by students at ACSC (2:1-2) would seem to fall in this category more than any other.

Nontheoretic Morals.

"People engage in nontheoretic morals when they attempt, without making any explicit appeal to fully general moral principles, to develop and defend positions on important moral issues An informal version of this sort of enquiry goes on in dormitories, bars, coffee shops, and wherever intelligent people have a chance to engage in serious discussion of moral issues. A more formal version of nontheoretic morals is undertaken in many ethics courses and in many books on moral problems.
(3:10)

Metaethics. This method of philosophical inquiry into ethics, as suggested by Feldman, represents "the attempt . . . to discover and explain the meanings of the crucial terms of moral appraisal;" for example, an exercise in metaethics might be represented by "an attempt to explain the meaning of 'good,' 'bad,' 'right,' and other terms of moral appraisal by giving formal definitions" Other sorts of moral philosophy also fall into the category of metaethics, such as exploring the "logical features of moral concepts" (3:11).

Moralizing. "[Another] sort of philosophical activity may be called moralizing." An illustration of this occurs where certain authors, in writing books, "attempt to make their readers become morally better people" (3:11). A simple example of this might be in fables or fairy tales which have a moral to the story.

Normative Ethics. This approach represents "the attempt to discover, formulate, and defend the most fundamental principles about morally right action" (3:10). There are "two great traditions in normative ethics Utilitarianism is one Formalism is the other" (3:12). Utilitarianism is defined by Webster as "the doctrine that the worth or value of anything is determined solely by its utility," or usefulness. To a formalist, however, "what makes an act morally right" is not the usefulness of the act, but rather, "it is some formal feature of the rule under which the act is performed" (3:12). John Stuart Mill (1806-1873) and Jeremy Bentham (1748-1832) are readily identified with utilitarianism, while Plato, Aristotle, Immanuel Kant (1724-1804), and John Locke (1632-1704) are identified with formalism (1:365).

Utilitarian thought can be further broken down into such categories as act utilitarianism, rule utilitarianism, and egoism. Act utilitarianism is explained by the formulation that

actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By "happiness" is intended pleasure, and the absence of pain; by "unhappiness," pain and the privation of pleasure.
(11:10)

In short, act utilitarian thought considers that it is the consequences of the act that determine whether it is morally right. Rule utilitarianism is somewhat different, as "it is not so much . . . [the] consequences [of the act] as the

consequences of the moral rule that requires the act" that becomes the basis for stating moral principles (3:12). Finally, egoism is the idea that "the most fundamental principle about morally right action is that each person should look out for his own self-interest" (3:12).

Ideas relating to formalism can be broken down into such categories as theories of justice, theories of rights, and relativism.(1:365; 3:13). "Aristotle and Plato first formulated theories of justice in the fifth century B.C." (1:365).

"The theory of justice calls upon the decision maker to act with equity, fairness, and impartiality Individuals should receive differential treatment only when the basis of the treatment is related to the goals and tasks of the organization. The theory of justice further holds that rules should be administered fairly and impartially enforced.
(4:167)

"Formulations of rights theories appeared in the seventeenth century" (1:365).

Ethical theory dealing with rights generally can be summarized as providing a guide for the decision maker to insure respect for the rights of individuals. The following five rights have been suggested by moral theorists . . . : (1) the right to free consent, (2) the right to privacy, (3) the right to freedom of conscience, (4) the right to free speech, and (5) the right to due process.
(4:167)

Finally, relativism is essentially the view that what is "right in one society may be wrong in another," or what is right for one individual may be wrong for another (3:13).

Teleology vs Deontology

Another example of an approach to organizing thoughts on ethics is discussed briefly by Major James F. Purdon in a 1982 student report for ACSC. He draws a distinction between the views of "ethics of virtue" and "ethics of laws." Briefly, he states that "Greek philosophers, such as Socrates, Plato, [and] Aristotle . . ." were philosophers who

treated ethics and morality more as traits of character one ought to have as opposed to what is right or obligatory. Those who believe this view are advocating ethics of virtue and are called teleologists. Those who hold the view of what is right or obligatory are advocating an ethics of laws and are called deontologists.
(14:9)

While Major Purdon is not a philosopher of note, the semantic questions he raises merit further investigation. Teleological ethics is defined as "a theory of ethics (as utilitarian or ethical egoism) according to which the rightness of an act is determined by its ends" (20:2350). Deontology, on the other hand, is defined as "the theory or study of duty or moral obligation: the ethics of duty," referring to a philosophical grounding that "considers moral obligations to be knowable by intuition and without reference to conceptions of the good" (20:603). While taking this occasion to examine semantics, it is interesting to note, considering Major Purdon's distinction between teleology and deontology, that the dictionary contrasts deontology with axiology, not teleology. Axiology comes from the Greek axios, meaning "worth," and is defined as "the theory or

study of values, primarily of intrinsic values (as those in ethics, aesthetics, and religion) but also of instrumental values (as those in economics)" (20:153). In light of this definition, the model to be developed in chapter 3 could be considered axiological.

Problems of Ethics

Underlying all the different "-ologies" and "-isms" of ethics which have been previously discussed are several basic problems or questions of ethics. These were alluded to earlier in the definition of ethics given by McGreal. The "problem approach" presented by McGreal is yet another way of organizing thoughts about ethics. The problems are more explicitly addressed as follows:

Let us, then, divide the problems of ethics into three basic classes (not necessarily exhaustive, although permitting, in creative hands, the inclusion of almost any ethical problem):

1) Problems about Duty: What is moral obligation? When is an act a duty? What makes an act morally right or morally wrong? What is the source and justification of moral principles? Is there a fundamental, universal moral law?

2) Problems about Value: What is the distinction between goodness and badness? How is the difference between something good and something evil determined? Is value a matter of opinion, interest, attitude, custom or law? If goodness is a characteristic of some things, acts, or persons, is it analyzable?

3) Problems about the Good: Is there anything good for its own sake--good on its own account--quite apart from any value it might have as a means to something else? If something is worthwhile on its own account, does the amount of its value depend on quantity only, or must qualitative differences also be taken into account?(10:6)

A distinction made here (of particular interest to this thesis) is between a thing being "good for its own sake" versus "any value it might have as a means to something else." This is the question of ends and means, or intrinsic values and instrumental values that was discussed in the definition of axiology.

Philosophical Groundings. An important element in the systems expounded by most philosophers is the postulating of what is the greatest intrinsic good, this greatest end good being the foundation upon which their philosophical systems are constructed. For example, Plato's position was that the greatest good for man was virtue, and from which he proceeded to define virtue as knowledge and harmony (10:19-30). (The idea that virtue is knowledge was a basic tenet which Plato accepted from Socrates (6:29)). Aristotle's position was that the greatest good was true happiness, true happiness being defined, more or less, as man fulfilling his function of rational activity "in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete" (10:32). Another example of a Greek philosopher postulating a greatest good is Epicurus (341-270 B.C.). Epicurus claimed "that pleasure is the only thing good as an end--and pain the only thing that in itself is bad" (10:43). It must be noted that the pleasure considered was not a sensual pleasure.

Epicurus insists that a pleasant life is not possible if it is not a prudent and honorable life. So close

is the relationship between virtue and pleasure that
it is not possible to have one without the other . .
. . The greatest moral good, then is prudence.
(10:47)

In the sense used here, the greatest moral good, prudence,
is an instrumental good for attaining a higher good, that of
pleasure.

It is possible that the "greatest good" is represented
by a state of being, and not attributes of a state of being
as described by the Greeks and others. An example of this
would be when Karl Marx (1818-1883) postulated a communist
utopia as the ultimate good state of being for mankind.
Since a major intent of this thesis is the development of a
generic, non-theological ethical framework capable of broad
application, a description of the nature of the greatest
good will not be attempted herein. However, the existence
of some greatest good, whatever it may be, is postulated as
an element of the natural law. This author is persuaded
that

(1) full understanding of the greatest good is
generally beyond man's present knowledge and reasoning
ability,

(2) that man intuitively recognizes that a greater
good does exist than he presently knows,

(3) and that he can seek to approximate that greater
good as he gains understanding of the natural law.

Beginnings of Natural Law Theory: Stoicism

After the Greeks were conquered by Macedon, the search began for a new philosophy or "reason for being." The ideas of earlier philosophers, such as Plato and Aristotle, whose philosophies were entwined with a city-state political philosophy, did not satisfy their needs. During this time, about 320 B.C., a philosopher named Zeno came to Athens and founded the Stoic school (6:78). The early stoicism grew out of the ideas of the Cynics, an earlier school of thought contemporary with Plato and Aristotle. Cynicism had never become "generally appealing" in Athens; it was too negative in its approach and some of its doctrines were too crudely developed (6:78).

The Stoics can probably be credited for being one of the first philosophical systems to expound a formulation for the law of nature, or natural law.

The Stoics rejected the idea that who one is has importance. Rather it is what one is that matters. If one is good, it makes no difference whether one is Greek or barbarian, slave or free, rich or poor. A man is not to be judged by his standing relative to others, but by what he is as an individual. And in this, man is the master of his own fate.

The Stoic philosophy raised the question of the meaning of goodness in man. How can man be good? Nature is a force that seeks perfection through growth. It is a law that acts upon and governs all living things. Nature is absolute and inexorable, and it is always beneficent. To resist the natural law will always be harmful; to submit by acting according to its demands will always be beneficial.
(6:79)

The early Stoicism held that only the wise (probably few) could "understand the [natural] law through their reason" (6:79). These few wise persons formed a sort of select brotherhood. The Greek Stoicism was very much a philosophy of duty.

Doing his duty might not bring pleasure in the Epicurean sense, but personal pleasure was a luxury he could not afford The good man lived and acted as he did because it was the "right" thing to do, because there was a law and it had to be obeyed, and because from such a life a person received satisfaction, although probably at the cost of comfort.
(6:79,80)

When Rome replaced Macedon as the controlling force in Greece (about 167 B.C.), the Romans found "certain of the fundamental features of Stoicism were admirably suited to meet Roman needs" (6:80). The early Stoicism was altered, adapted, and refined by such persons as Panaetius of Rhodes. Under Panaetius's Stoicism (the middle Stoicism),

All men . . . are endowed with the ability to understand nature and conform to its laws, and in this sense all men are equal, even though there are considerable differences among them in other respects. Furthermore the good man will not devote himself to the service of self, even though that service be the high-minded struggle for moral development demanded by the early Stoics. Instead, his ideal should be public service, a dedicated and energetic helping of his fellows through the institutions of the state.
(6:81)

"[M]ost of what we know of Stoicism, as it was developed by Panaetius, we learn from Cicero's exposition." Cicero was a Roman lawyer, "a statesman of the highest quality and order," who lived from 106 to 43 B.C. (6:84).

Cicero's statement of Stoic philosophy is clear and compelling. There is, he says, a law of nature which is the constitution of the world. It is the same for everyone everywhere. On the basis of its dictates the rules of governments and the actions of rulers will be judged.
(6:84)

As has been translated from Cicero's original writings:

True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions. And it does not lay its commands or prohibitions upon good men in vain, though neither have any effect upon the wicked. It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by senate or people [O]ne eternal and unchangeable law will be valid for all nations and all times, and there will be one master and ruler, that is, God, over us all, for he is the author of this law, its promulgator, and its enforcing judge.
(6:84)

Also, according to Cicero, man in general did not need to look outside himself for an expounder or interpreter of the natural law; the ability to understand it, through reason, is an inherent capacity in all of us (6:84).

Within the realm of Stoicism and the natural law, the contributions of Seneca (late Stoicism) merit mention here. Seneca was a Roman political thinker who lived from about 4 B.C. to 65 A.D., and "who expresses the Stoic doctrine of the opening years of the Roman Empire." Perhaps the most unique contribution of Seneca is the idea he formulated of the "golden age" or a state of nature (6:86-87). Many philosophers since his time postulated what life might be

like in a state of nature, and from that basis have elaborated on their particular philosophical ideas.

According to Seneca, man once lived happily and innocently, though ignorantly, in a primitive state. Private property did not exist, all goods being held and consumed in common. There were rulers (although "leaders" is here a more descriptive term), but no laws and no agencies of enforcement. Men, directed by wise and just rulers, followed the rules of nature and found all others unnecessary. Because nature's dictates are always just, man did not need to be coerced into obedience. Man in this state was not morally perfect; he was virtuous because he had no knowledge of evil. But this happy state of affairs was disrupted by the institution of private property.
(6:87,88)

Once private property was introduced in the state of nature proposed by Seneca, the "golden age" began to fall apart.

Men were no longer satisfied to share their possessions, but each wished title to his own. Avarice became a powerful force among both rulers and ruled. Rulers became tyrants, and men struggled greedily against one another for additional property. Now there was a necessity for laws, coercive government, and the institutionalization of private property. Seneca found nothing inherently good in these additions; neither did he consider them evil. They were simply necessitated by man's degeneracy. If man were virtuous, government, law, and private property would be unnecessary; they are the badges of his lost innocence.
(6:88)

Comparing Seneca to Cicero, Cicero's Stoicism and approach to natural law was more optimistic; Seneca was pessimistic in his consideration of the "degradation of the mass of men." Seneca's Stoicism (and theory of the natural law) "appears melancholy when compared with that of Cicero"
(6:86).

The Greeks and the Romans essentially laid the foundation of the concepts of natural law and a (perhaps hypothetical) state of nature. Many noted philosophers since their time have used some elaboration or derivation of either a state of nature or a natural law (sometimes coming to opposite conclusions). While investigation of further formulations might be interesting and of intellectual worth, the ideas that have been covered are sufficient for the purposes of this thesis. Additional background regarding natural law or a hypothetical state of nature will be used only insofar as it aids in developing the idea of social contract.

Early Social Contract Theory

A discussion of social contract theory is logically preceded by a treatment of the concept of natural law, since "one of the most important classical elements of [social contract theory] is the concept of 'the state of nature'" (3:136), and, as we have seen, the state of nature concept had its origin in natural law theory. "Traditionally, the theory of the social contract has been a theory of the origin of the state, and the source and justification of political and legal obligations" (3:137).

Historically speaking, social contract theory seems to "have its roots" in the era of the feudal system in Europe.

The feudal period . . . was one of violence
Survival for all classes depended upon the closest
kind of cooperation, and this was secured by the

gradual formulation of a system based upon the reciprocal exchange of services The feudal relationships were sealed in ceremonies wherein vassals pledged themselves to obedience, in return for which the lord promised his protection. It is important to note the mutuality of the obligation [T]he principle of the contractual relationship between ruler and ruled was there, and it survived feudalism.
(6:114)

Political power relationships evolved during the medieval era, with conflicts sometimes occurring between nobility and monarchs, and between church and secular institutions. As Europe entered the reformation period, attempting to cope with the changes accompanying the advent of Lutheranism, Calvinism, etc., political theory regarding the social contract became more refined. "Somewhat obscurely stated" at times, the idea began to develop

that the authority of the ruler derives from the people and that he is responsible to them A clearer statement of the principle was expressed in the course of the religious wars in France, where Calvinists . . . opposed a Catholic monarchy.
(6:194)

These wars lasted approximately 30 years in the latter half of the sixteenth century.

Apart from the physical conflicts, there was also "a war of words between the protagonists on both sides"
(6:198).

There were two conflicting points of view. On the one hand, the defenders of royal absolutism ultimately took their stand for the divine-right theory and insisted upon the duty of passive obedience of subjects to their king, who, they held, was responsible only to God for his actions. Opposing them were the so-called monarchomachs, who repudiated the theory of divine right, declared that the authority of the king derives from

the people to whom he is responsible, and maintained that a monarch may, in certain situations, be resisted and even removed by his subjects.
(6:198)

Theodore Beza (1519-1605) was one of those who expressed the philosophical argument of the "anti-royalist" camp.

The people, Beza contended, are endowed with natural rights which are protected by an implicit but unbreakable contract between ruler and subjects. The people are obliged to obey a monarch who rules justly and does not contravene God's law, but if the king is guilty of a breach of contract, the people have a right to resist him, since God's law, as interpreted by the conscience on the people, is superior to the secular power of the ruler.
(6:199-200)

This statement represents one of the earliest explicit expressions of the relationship between sovereign and subjects as being a contract, representing reciprocal obligations. Perhaps the idea seemed so basic to the earlier Greek and Roman philosophers that they took it for granted and did not bother to state it.

A more renowned statement of the anti-royalist philosophy employing the contractual concept is in "the great Vindiciae contra Tryannos (A Defense of Liberty against Tyrants)" (6:200). The pamphlet appeared under a pseudonym and the authorship is uncertain. The work begins by considering a golden age similar to that described by Seneca, and then discusses the formation of societies through contractual relationships.

The organization of society following the golden age has involved a dual contract, on the

basis of which rights and duties are defined. One contract is between God, on the one hand, and the king and people, on the other. Its purpose is to provide and maintain a true religion. The other contract is between the ruler and the people and establishes secular government. The king has a double responsibility. He is obliged to God to defend the faith The king is also responsible to the people to rule justly; that, indeed, is the purpose for which he was chosen. He is not sovereign, and he is not the originator of law. He is merely an executive agent of the people, elected by their suffrages. His power is conditional, not absolute.
(6:201)

Hobbes and the Social Contract

The religious conflicts and political turmoil which affected Europe in the latter half of the sixteenth century overtook England in the first half of the 17th century.

By 1649 the parliamentary forces, under Oliver Cromwell, had defeated the royalists and beheaded Charles.

In executing Charles I, the middle class had repudiated the doctrine of divine right

This era of jealous factionalism provoked by religious and economic differences, was the world known and deplored by Thomas Hobbes (1588-1679). Gone was the unity of the medieval world
(6:217,218)

Hobbes was a proponent of a strong central authority in government, and developed a political philosophy which supported the position of the unfortunate monarch, Charles I. In fact, Hobbes was close enough to the royalist camp to serve for several years as a tutor to the son of Charles I while the Prince of Wales, who would become Charles II, was in exile.

Hobbes is credited by some as giving the "most eloquent description of the state of nature" and the social contract in his philosophical work, Leviathan (3:136). His ideas regarding a state of nature were very much different from those presented by Seneca. Hobbes does not claim that man actually lived in a state of nature in some previous era; he merely postulates hypothetically what life would be like in such a state. For Hobbes, man's nature is such that all individuals in a state of nature would generally follow the rule of dominate or be dominated, and life in a state of nature would become "such a war as is of every man against every man" (7:161).

In such a condition, there is no place for industry; because the fruit thereof is uncertain; and consequently no culture of the earth, no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish and short.
(7:161)

Since such a life is so terrible men eventually realize that life will be better if they learn to cooperate. This leads to the formation of a social contract.

A covenant must be made among men to observe the peace, but it must be attended by a coercive power which will make fear of the consequences of a breach of covenant a greater force than the greedy desire all men will have to break it. This power can be supplied only through the establishment of a commonwealth "with the constitution of a civil power sufficient to compel men" to keep their promises.(6:225)

Hobbes' severe construction of the situation leads him to develop a version of social contract theory where "the people select some especially powerful person, or group of persons, and agree together to give their personal power or sovereignty, such as it may be, to that person or group" (3:136). The reciprocal agreement of the contract, as postulated by Hobbes, is

made by a covenant of every man with every man, in such a manner, as if every man should say to every man, "I authorize and give up my right of governing myself to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner." This done, the multitude so united in one person is called a COMMONWEALTH
(7:177)

The commonwealth as described here represents the formation of individuals into society, as well as the creation of governmental legitimacy.

In applying the social contract concept, Hobbes comes to a more extreme position than many others who applied the social contract concept. Perhaps that is why he stands out in philosophical history and is often cited as the classical example of social contract theory. His example is useful because it acknowledges that individuals in society do exhibit at least an implied agreement as to reciprocal behavior.

Modern Social Contract Derivations

Recent thinkers have expanded on the social contract of covenanted expectations to address various areas beyond the

origin and legitimacy of secular governments. At least two well-accredited lines of thought involve modern derivations of social contract theory. One has to do with idealizing corporate social responsibility (or morality) and business ethics. The other involves the idea of the "psychological contract," a concept developed by organizational psychologists to describe elements of human behavior and motivation within organizations. Also, Feldman, in his book Introductory Ethics, provides a brief demonstration of how social contract theory can be used to "construct a rather naive . . . moral theory" applicable to all individuals in a society (3:137). Each of these three areas will be addressed to conclude this review of social contract theory.

Business Institutions and the Social Contract. H. R. Bowen is given credit for having "touched off . . . 'the modern debate'" about social responsibility in his 1953 book, Social Responsibilities of the Businessman (19:759). The idea of the social responsibilities of business institutions

rests on two fundamental premises. First, business exists at the pleasure of society; its behavior and methods of operation must fall within the guidelines set by society. Like government, business has a social contract--an implied set of rights and obligations. The specifics of the contract may change as societal conditions change, but the contract in general always remains as the source of business legitimacy This social contract is the vehicle through which business behavior is brought into conformity with society's objectives. (19:759)

The second premise is that "business acts as a moral agent within society," an issue that raises arguments beyond the scope of this thesis.

Douglas S. Sherwin, in a 1983 article for Harvard Business Review, elaborates on the social contract idea and the idea that "business exists at the pleasure of society." He points out that "public policy circumscribes the activities of the business system. Its rules govern the relationships among the members of the system and between the business system and the rest of society" (17:184). He goes on to recall the observation made by Justice Holmes that "it would not be argued today that the power to regulate does not include the power to prohibit" (17:184).

This all implies that society has purposely left a space in which private business can operate (as opposed to a centralized governmentally supervised economy) because society has expectations of economic benefit.

The business institution is society's principal mechanism for producing and distributing economic goods. Since public policy has assigned this realm to business to secure behavior that is uniquely economic, the purpose of business must be to deliver economic performance to society. Economic performance is both the means and the end society seeks in assigning a sphere to the business system.
(17:185)

The value of this line of thought is that if society can, as the aggregate product of its expectations, assign a particular sphere to business institutions as part of a social contract, this idea can be broadened to hypothesize

that society's expectations also form social contracts for other institutions and even for individuals. Support for this extension will be enhanced by the following treatments of psychological contract and social contract as moral theory.

The Psychological Contract. In the third edition of his book Organizational Psychology (1980), Edgar H. Schein introduces and explains the notion of the psychological contract. An explanatory footnote in the book gives credit for the source of the ideas which Schein distills into the psychological contract notion:

The concept of psychological contract is an extension of all that has been written by social philosophers about social contracts. In the organizational sphere it was first discussed in detail by Agyris (1960) and by Levinson (1962). The same idea is implicit in March and Simon's (1958) "inducement-contribution" model and has been worked out in some detail by Homans (1961) in his social exchange theory of elementary social forms. Kotter (1973) has tested the idea by measuring both the employees' and supervisors' expectations and developed workshops to permit resolutions of possible mismatches in those expectations.
(16:22)

The context in which Schein used the psychological contract concept was in attempting to describe the phenomenon of "individual-organizational interactions;" that is, "the individual attempting to use organizations for the fulfillment of his or her needs, and the . . . manager attempting to use human resources optimally to fulfill organizational needs" (16:22).

As stated by Schein,

The notion of a psychological contract implies that there is an unwritten set of expectations operating at all times between every member of an organization and the various managers and others in that organization. This idea is implicit in the concept of organizational role, in that every role is basically a set of behavioral expectations The psychological contract implies further that each role player, that is, employee, also has expectations about such things as salary or pay rate, working hours, benefits and privileges that go with a job, guarantees not to be fired unexpectedly, and so on. Many of these expectations are implicit and involve a person's sense of dignity and worth

The organization also has more implicit, subtle expectations--that the employee will enhance the image of the organization, will be loyal, will keep organizational secrets, and will do his or her best on behalf of the organization
(16:22-23)

The basic idea which Schein addresses is that the needs and expectations of organizations and individuals change over time. Therefore, the set of covenanted expectations which make up the social contract/psychological contract are in a state of dynamic flux rather than being static or constant.

A Social Contract Moral Theory. As was stated earlier, Feldman discusses the construction of a moral code on a social contract basis (3:137).

According to this theory, our moral obligations are also based upon a social contract. But the contract will have to be some sort of "moral contract." That is, it will have to be a mutual agreement among many people to join together as a society under a single moral code.
(3:137)

Feldman goes on to point out several theoretical social contract fallacies. Societies today have not sprung forth from a pure state of nature, and so a single, stable social contract could not have been formed at some particular time.

Feldman deals with such problems by going on to investigate a "hypothetical social-contract theory," (HSCT), explained as follows:

Let us say that the "would-be contract code" for a society, S, at a time, t, is the code that the members of S would agree to live under if they were to contract together at t to live under a moral code. Now we can formulate a version of the hypothetical social-contract theory quite easily:

HSCT: An act, a, is morally right if and only if there is some moral code, C, such that C is the would-be contract code for a's society at the time of a's performance, and C permits a.

(3:138) (Underlining added for clarity.)

Feldman is not an advocate of the HSCT as a moral system, he merely investigates it as an intellectual exercise. He himself describes it as vague, obscure, leading to conventionalism, and implausible (3:138). However, it is possible that social contract theory can be a valuable element of a broader moral system. Chapter three of this thesis will attempt to incorporate the role sphere/social contract idea into what is hoped to be a broader ethical framework.

Just War Theory

I do not want to give the impression that modern weapons do not put pressures and strains upon anyone who believes that modern warfare can be justified, or, more seriously, upon someone who believes, as I do, that since war is probably inevitable it is advisable to attend seriously to the question of how to fight it morally.
(13:xi)

The development of the model in Chapter 3 borrows terminology from one additional philosophical concept which must therefore be introduced: the theory of just war. To properly frame the issue, one should consider the question of what philosophical approach could be used in the military sphere with regards to the "problem of checking resort to war" (21:180).

Should war be resorted to whenever a utilitarian cost-benefit analysis shows a positive balance? Or should a strict rule of non-resistant pacifism be observed? Perhaps war should be declared because it brings pleasure, sensual or otherwise; or because the whim of public opinion shows 51% or more favorable vote in some survey, so that it could be considered a social expectation or part of a social contract.

The above are all intended as examples of poor philosophical groundings for resorting to war. Higher moral principles should govern the resort to such severe means, moral principles which man can attempt to discover through application of knowledge and reason. The theory of just war

represents centuries of effort to discover such higher moral principles.

Who should get credit for development of just war theory? Authors vary in the amount of credit they give to whom. The most popular notion is that it is a "Catholic tradition, initiated by Augustine in the fourth century," and carried on in its development by Thomas Aquinas in the thirteenth century (21:180; 9:122). Other authorities would argue vociferously for lesser known candidates.

For a variety of reasons, the best place to begin the study of moral and legal doctrines on limiting war in the West during the middle ages is with the publication of Gratian's Decretum in the middle of the twelfth century

If we would speak of a comprehensive and continuing just war tradition, we must begin not with Augustine or earlier theorists but with Gratian. Nor should we wait until Thomas Aquinas writes in the late thirteenth century, as has been the tendency in Catholic scholarship from Victoria onward. Thomas himself drew from Gratian and his commentators what he then developed further (9:121-122)

Also, at least some credit can be logically projected further back in Western history, based on authoritative statements such as "the doctrine of just war . . . has its origin in the very beginning of Western philosophy. For example, in The Republic, Plato spends considerable time discussing the 'rules of war'" (13:ix).

In any case, the issue can certainly be addressed from a secular or natural law point of view rather than an ecclesiastical one.

[By] 1740 . . . the ideological value base for just war ideas had shifted from the religious--the church's notion of "divine law"--to a secular concept of "natural law," as conceived by Grotius, Locke, Vattel, and others who sought to put the regulation of social conflict in terms that, in theory at least, could be agreed to by all men. (9:ix)

These comments by James Turner Johnson sum up secular sentiments regarding the development of just war theory.

Christian theologians often claim the just war concept as their own property, a doctrine that came to being inside the [Catholic] church [E]cclesiastics, lawyers and statesmen, and military people have through history all contributed to the growth and development of a tradition in which certain reasons for war are accepted as justifying reasons, while others are not; a tradition in which even in the midst of battle, certain limits are to be set and observed (9:xxi)

Having treated the question of credit for the theory's development, the next logical question concerns the essential elements of the just war theory.

The classical approach to organizing the elements of just war theory would label the tradition of "justified use of force by political states" as the "doctrine commonly labeled bellum justum" (13:ix). This doctrine is then "subdivided into questions having to do with grounds for initiating combats (jus ad bellum) and questions having to do with correct behavior of combatants in wartime (jus in bello)" (13:ix).

The concept of jus ad bellum can be further described as the "justification for going to war," or the right to make war" (19:xxii). The various elements gathered under this concept are:

- 1) just cause,
- 2) right authority,
- 3) right intention,
- 4) that the war not do more harm than good

(proportionality),

- 5) that it be a last resort,
- 6) and that its purpose be to achieve peace (9:xxii).

This aspect of just war theory, as it was historically developed,

asserted that war was permissible to promote peace, that is, order and justice, provided the war was initiated by proper authority and provided that authority had found peaceful procedures inadequate in the situation and had assured itself that the injustices arising from the war would not be greater than the injustices which the war was to remedy. Further elaboration made it clear that war would not promote peace unless there was a "just cause," usually limited to defense from aggression, remedy of a wrong, and punishment of a crime, and unless this cause constituted the actual motive, not a mere pretext, of the initiating authority.
(21:180)

The jus in bello aspect of just war theory can be further described as "the law of war" and "has to do with restraint or limiting war once begun [C]ontemporary moralists often define . . . [it] in terms of two principles, discrimination and proportionality" (9:xxiii). It should be noted that this aspect is sometimes classified using other terms. "[H]istorically it appears in terms of two sets of legal or customary restraints: those on the extent of harm, if any, that might be done to noncombatants, and those on the weapons of war" (9:xxiii).

The question of proportionality appears as an element of both jus ad bellum and jus in bello, and is the concept specifically referred to from just war theory in explaining the model developed in chapter 3. It therefore deserves some additional comment.

Proportion, in its jus in bello sense (as opposed to the jus ad bellum sense, in which it refers to the total amounts of good and evil expected to be done by a particular war that is being contemplated), does refer to types of weapons and the levels of their use. It tends to rule out using a cannon to kill mosquitoes: a nuclear weapon where a conventional one will do, a lethal gas instead of a temporarily incapacitating one [P]roportionality also has implications for noncombatant immunity: a weapon might be disproportionate in a given situation because it cannot be used discriminatingly against combatants without harming noncombatants in the vicinity.
(9:xxiii)

It is possible that the issues raised by just war theory, such as proportionality, would be taken for granted by a "western" thinker who was not aware of the background involved. Much of it has been broadly assimilated by western culture, included in things such as international law.

A fitting conclusion to this section is a quotation credited to Pascal:

Justice without force is a myth, because there are always bad men; force without justice stands convicted of itself. We must therefore put together justice and force, and so dispose things that whatever is just is mighty, and whatever is mighty is just.
(13:v)

III. Development of the Model

The basic postulates upon which this model and theory of the existence of an ethical threshold are founded are as follows:

- 1) The property of moral goodness does exist.
- 2) In assessing any two situations, the moral goodness value of one may be greater than the other, or they may be equal.
- 3) That it is possible for situations to have different values of moral goodness (or badness) implies the existence of some continuum, or spectrum, of moral value.
- 4) Cases of moral goodness can be relatively classified as either intrinsically good (as an end), or as instrumentally good (as a means to an end). The classification is relative because any end that is considered intrinsically good in one light can also be considered as instrumentally good in attaining a higher moral principle. This implies the existence of an ends/means chain of moral relationships.
- 5) All truth can be summed up in one whole truth.
- 6) Many elements of truth are independent of man's experience and influence. These truths may be elements of the natural law. Laws of physics, such as gravity, fall into this category. Truths regarding the valua-

tion of moral goodness also fall under the domain of the natural law.

7) If man were able to attain an absolute knowledge and understanding of the truths which are independent of his influence, and truths about moral principles in particular, he could make absolutely precise assessments of moral value along the entire moral spectrum.

Based on these postulates, a simple model of the moral spectrum can be illustrated along a linear function. Any particular point along the line may represent, respectively, the moral or "goodness" value assigned to some act, outcome, principle, moral law, or moral choice. If one were to proceed toward one end of the spectrum, a particular human society would consider the points associated with that end of the spectrum to have a higher moral value (in a word, "good"). Toward the other end of the spectrum, the points would have a lower moral value (bad). Logically, then, some crossover point exists between good and bad. Utilitarians and formalists would argue whether the outcome or the principle causes a point to have a certain value, but laying these arguments aside, it remains that the points on the moral spectrum exist. A simple illustration of this idea is shown in figure 1.

At this point, one could imagine that two situations might be equal in value along the continuum, but be of different value in some other parameter. Numerous

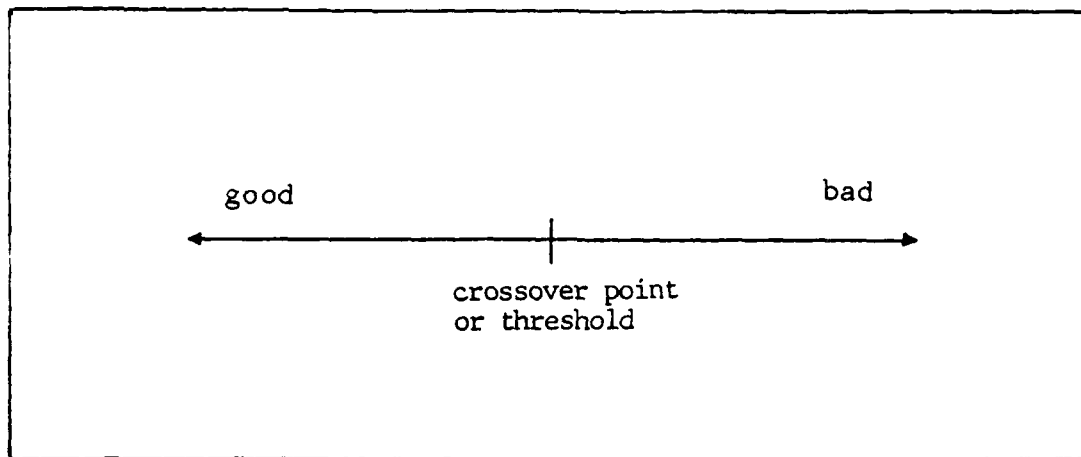


Figure 1. Value Continuum

candidates for another parameter come to mind: management effectiveness of a particular choice, knowledge level and accountability of the person making the choice, etc. Inclusion of a parameter other than a "goodness value" would cause the model to be three dimensional. While the existence of such considerations must be acknowledged, these will not be incorporated for the sake of simplicity.

If we rotate the line shown in figure 1 by 90 degrees, we come up with a diagram as shown in figure 2.

This simple model does deal with one of the premises of this thesis: occasionally, "bad" behavior is justified by its intended purpose. In order to improve our model to include this premise, we must complicate the single spectrum model representing the gradation of moral value and split it into various parameters.

The complexity intended here is to separate the spectrum into elements of intrinsic moral goodness (or

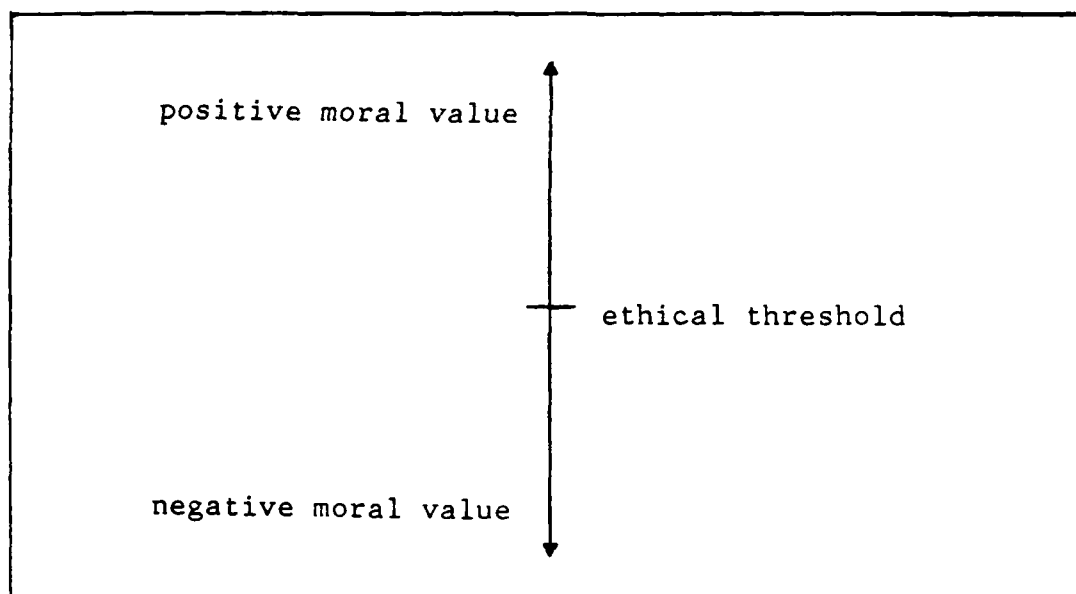


Figure 2. Vertical Moral Spectrum

consideration of ends) and instrumental moral goodness (or consideration of means), giving two related spectrums of moral value. For the purpose of establishing conventions, let the vertical line, as represented in figure 2, now be considered the "ends" spectrum as an abbreviated way of saying the "intrinsic moral goodness" spectrum. Let the "instrumental moral goodness" spectrum, or "means" spectrum, be drawn as a horizontal line, perpendicular to the ends spectrum, such that both lines intersect each other at their respective ethical threshold points (the points on the spectrums with neither a positive or negative moral value). This produces an essentially Cartesian coordinate system, or, if one prefers to think of it as such, an ethical value "response surface."

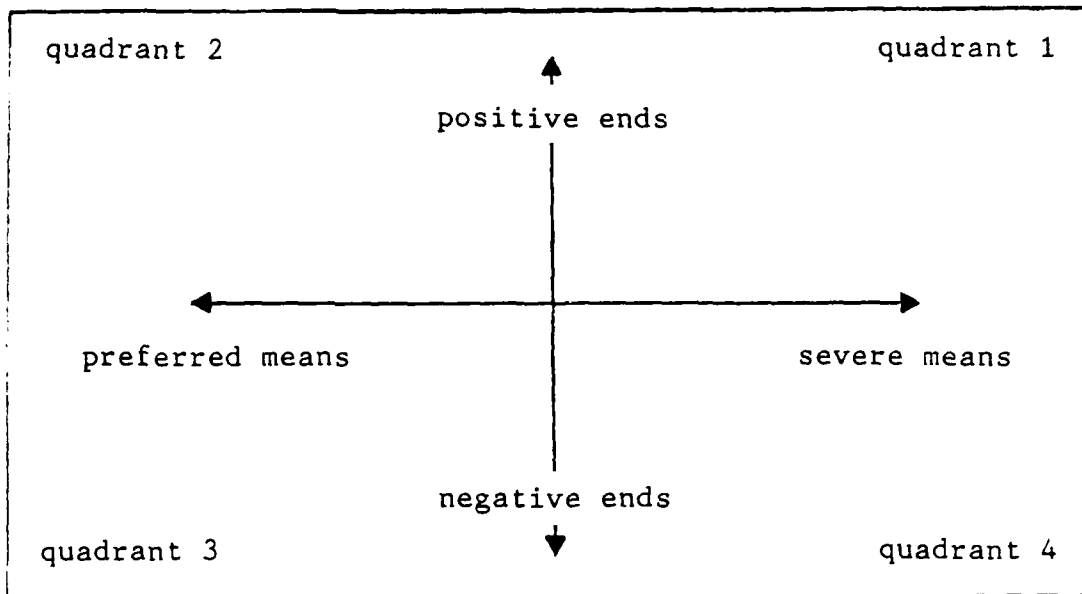


Figure 3. Cartesian Ends and Means Grid

For purposes of this thesis, the conventional "polarity" of the horizontal line is reversed to better focus attention on quadrant 1 of the coordinate grid. Also, the terms for referring to different extremes of the means spectrum shall be altered respectively from "positive" to "preferred" and from "negative" to "severe." This change is desirable because the word "negative" does seem to retain some connotation of bad or immoral, and one of the underlying premises of this thesis is that certain "severe" means, such as lying or killing, may not be bad or immoral, depending on the ends being pursued. It is therefore that we drop, to some extent, moral connotations from the means spectrum. An illustration of the model as it has been thus far developed is shown in figure 3.

Considering the ends/means chain of relationships, things plotted on one spectrum may also be plotted on the

other. For example, individuals often operate as though military duty were an end in and of itself. Viewed in a different light, however, military duty is a means to accomplishing some other end, such as the furtherance of national policy. And, in turn, national policy is a means to accomplishing some other end, such as life, liberty, and the pursuit of happiness.

What happens to the ethical threshold at this level of model development? It is postulated that it ceases to be represented by a single point and becomes some other function. It would seem logical to claim that part of that function is represented by the ray separating quadrant 2 from quadrant 3; that is, the left half of the means continuum. For example, telling people some elements of truth (a preferred means) in an effort to deceive people in general (a negative end) would reasonably be construed as unethical. It would not seem nearly so logical to assert that the rest of the ethical threshold function is represented by either the ray separating quadrants 1 and 2 or the ray separating 1 and 4, since again neither of these would satisfy the premise that severe means can on certain occasions be employed ethically to accomplish worthy ends. The model development must continue.

Let us now turn our attention to quadrant 1. A principle borrowed from the theory of just war described in chapter 2, that of "proportionality," would seem to lend support to the idea that there is a positively sloped linear

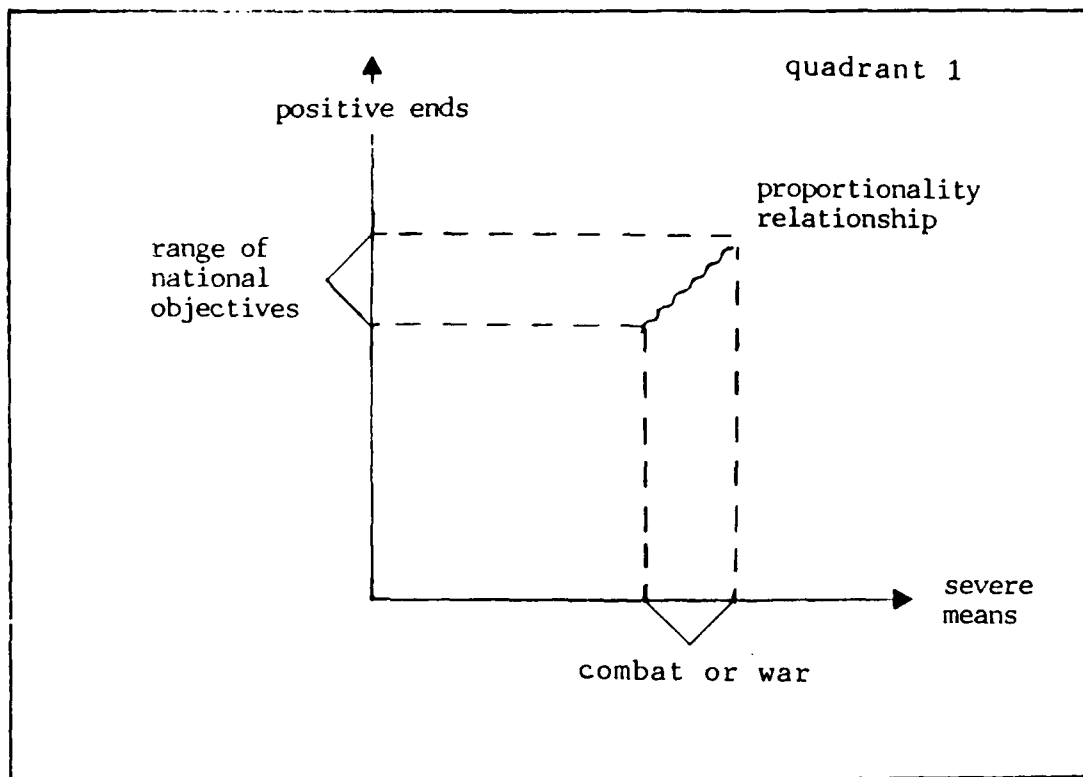


Figure 4. Ends and Means Grid With Just War Proportionality Principle.

or curvilinear function moving through some portion of quadrant 1, as a separation boundary between where it is unethical to use too severe means to accomplish too petty an objective, and where it is acceptable to use severe means to accomplish a worthy end (or that injustices arising from a war should not be greater than the injustices which the war is meant to remedy. The idea is illustrated in figure 4.

It is postulated that this principle of proportionality is an element of the natural law, and that it applies not only in battle and war, but extends throughout the quadrant 1 region. It represents the idea of the crossover boundary

where "the ends justify the means," and represents the remaining portion of the ethical threshold function.

It is interesting to consider several possibilities for the shape of the ethical threshold in the first quadrant. Societies might behave as though the ethical threshold were curvilinear, or possibly with varying intercept points as shown in a, b, or c in figure 5 on the following page.

For example, those who prefer to think that there might be a large upward shift in the ethical threshold upon crossing into the severe means side of the means spectrum would probably prefer to think of an intercept as shown in (a). In proposing this ethical threshold as an element of the natural law, it is postulated that the curve is a 45 degree angle (slope of 1) with an intercept as shown in (b) above (through the origin of the Cartesian coordinate grid). This assumption of the slope is derived through a consideration of conflict of ends, or double approach dilemma.

If man possessed full knowledge of the natural law, he could accurately assess, in a situation with conflict of ends, whether one of the two ends possessed a higher moral value than the other, or whether they are of exactly equal moral value. In finding one value lower than the other, it turns out that the opportunity cost of not fulfilling the lower good represents the means of attaining the higher good.

Plotting the Cartesian coordinates of any such sacrifice of a lesser good in order to attain a higher moral

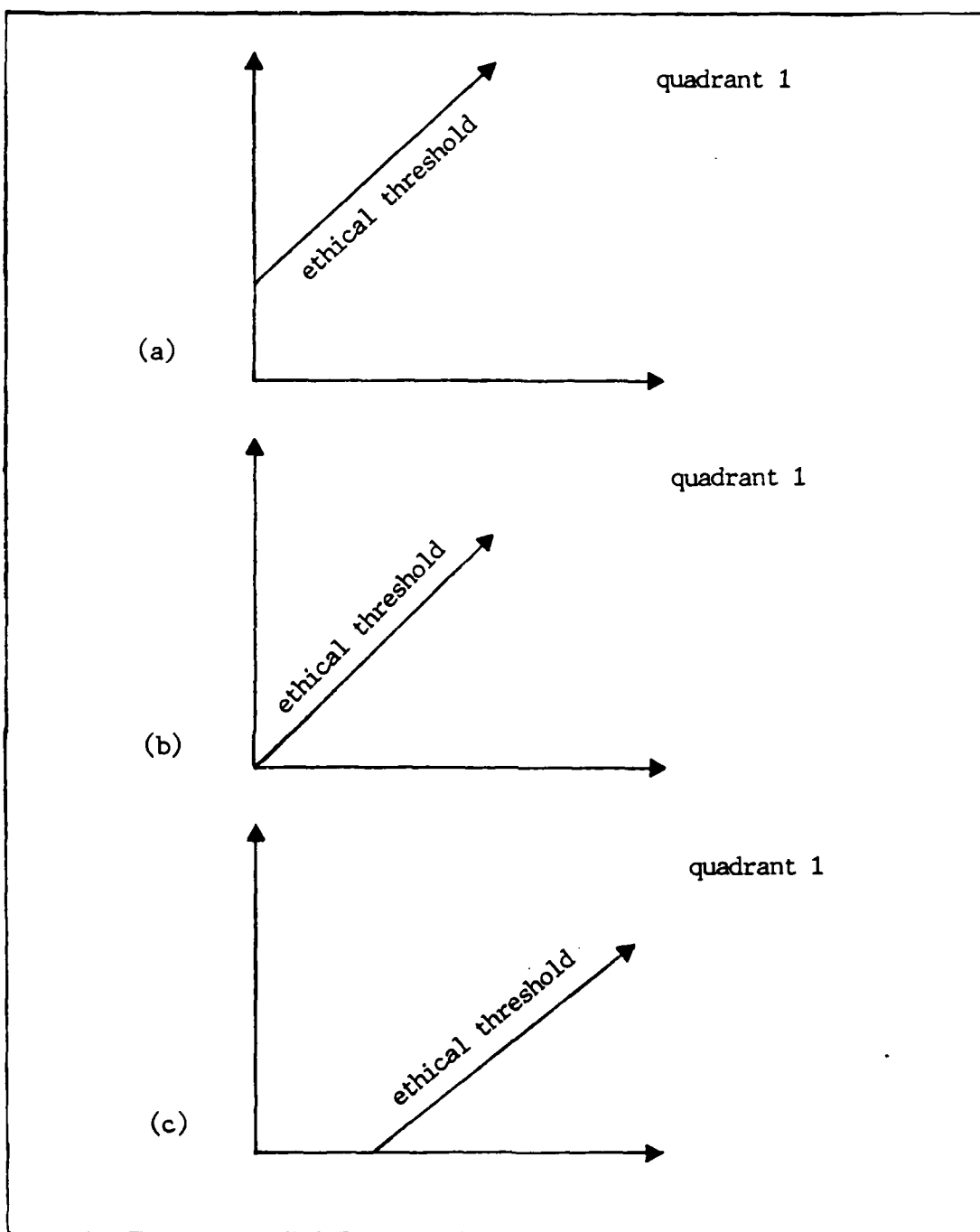


Figure 5. Hypothetical Ethical Threshold Intercepts in Quadrant 1.

good would show the coordinates lying above the 45 degree line in the ethical region of quadrant 1. The reverse case, that of sacrificing a higher end to attain an end with lower moral value would show the coordinates lying below the 45 degree line (in the unethical region of quadrant 1). In a situation where the ends are of exactly equal moral value, the sacrifice of either one for the other would result in a coordinate exactly on the 45 degree line. Thus, the 45 degree line represents an ethical indifference curve where the sacrifice of either of the conflicting ends is morally justifiable.

While the geometry explained thus far of ends spectrum, means spectrum, and the ends/means indifference curve can adequately describe the ethical threshold as it applies to societies, a final parameter is needed to apply the model to individuals. This final consideration represents, more or less, a "due process" constraint upon the individual. This constraint derives from the role sphere of the individual. The term "role sphere" in this case is a geometric metaphor for expressing the limits and bounds of a person's social contract (the "space" occupied by a person's social contract may not be spherical at all, but could have an irregular geometry). What is meant by describing the role sphere constraint as a due process constraint is that societies, in order to promote more orderly functioning and thereby better promote the general welfare of all, assign different levels of moral responsibility to different individuals.

By way of illustration of this parameter of the model, consider the example that societies do expect and condone the use of severe means, such as disinformation (a euphemism for lying, as would take place in police sting operations) and deadly force in combating crime or in warfare. However, not all individuals in the society are authorized to use such means. Vigilanteism is not generally condoned, and in the extreme approximates anarchy. "Social contracts" have been extended to select individuals allowing them to operate further down the severe means spectrum than the norm for society in general. This implies that the constraint could vary from one individual to another, and could change with respect to a particular individual according to the changing roles he/she might operate in. Even in a society where full knowledge of the natural law existed and man had sufficient reasoning ability to understand and abide by that law, the society would assign different roles to different individuals (i.e., there would be variations in social contracts) in order to facilitate the smooth and orderly functioning of that society.

If man had absolute knowledge of the truth, each individual could assess precisely what the limits of his or her role sphere would be in any given situation. Thus, the role sphere parameter is still an elemental ethical function under the natural law, even though it possesses properties of variation (or relativism).

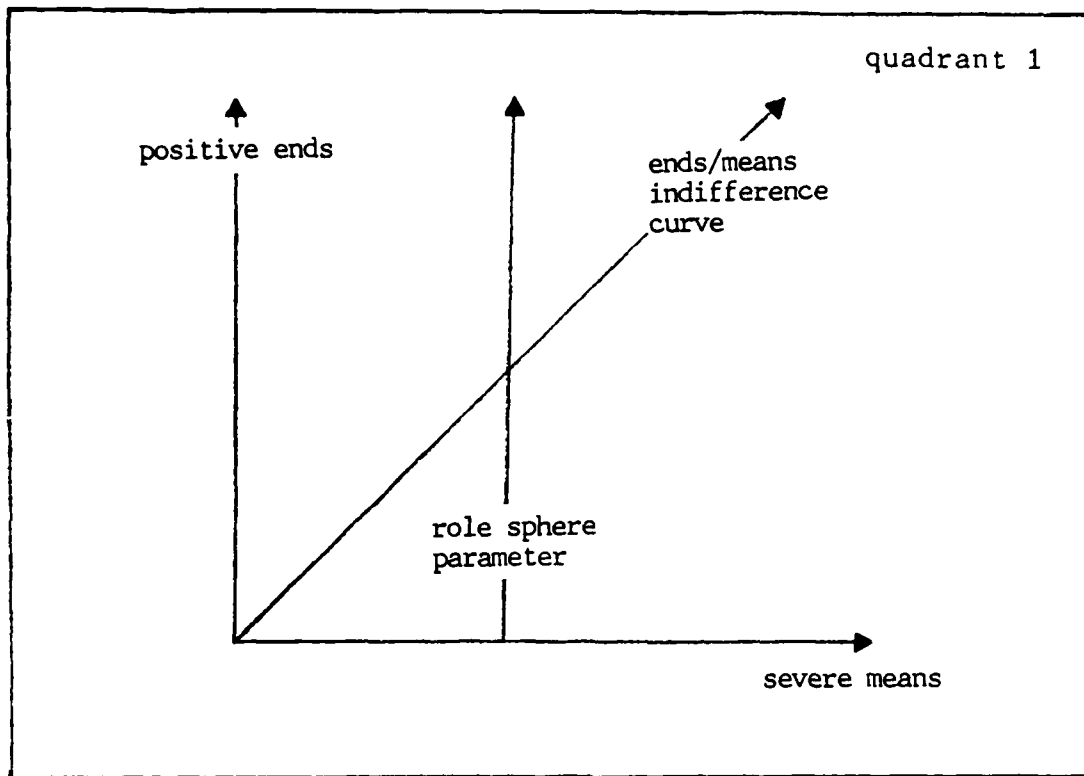


Figure 6. Ends/Means Indifference Curve and Role Sphere Parameter

Figure 6 gives a representation of quadrant 1 including a representation of the role sphere parameter.

Therefore, in terms of practical application of the concept, persons must be sensitive to situations in quadrant 1 where the ends justify the means, but the exercise of the means exceeds the "bounds of their authority," or the terms and conditions of their social contract. Perhaps even more importantly, persons operating in a role sphere that does have a "special dispensation" in the social contract for the use of severe means must recognize that they are still governed by the ethical threshold within that role sphere. Even though a policeman is authorized the use

of deadly force, he is not authorized on all occasions (he does not shoot someone for a traffic violation). Even though a military intelligence unit may at times practice the use of disinformation against the enemy, surely the use of the same tools/techniques to gain internal advantage within the military would raise ethical eyebrows. Persons must also be astute enough to recognize that they operate in multiple role spheres. For example, a person who is a business executive could have different social contracts (or clauses within one social contract) regarding role spheres as an individual, as a head of family, as a member of a local church or club, or as an agent of his business institution.

It should be noted that the model can function without inclusion of the role sphere parameter, if one elects to think of the orderliness of societies which role expectations induce as positive values on the intrinsic good continuum. Violation of a role expectation could then be judged as ethical or unethical in relation to whatever other values it is traded against, and whether or not such trade-offs fall above or below the ends/means indifference curve.

A clarifying example of the distinction intended here might be explained in relation to military regulations. Regulations identify the limits of one's role sphere. On the other hand, the orderliness brought about by strict adherence to regulations might be thought of as an intrinsic

good; one which, if it conflicts with a higher intrinsic value, could be ethically traded off and still maintain a position above the ends/means indifference curve.

While the approach of treating orderliness generated by role expectations as an intrinsic good is perhaps more correct theoretically, the role sphere parameter has so much descriptive value, helping to clarify ethical issues and considerations, that it merits inclusion in the model. The "space" occupied by the terms of individual social contracts thus represents a "sliding parameter," one which moves back and forth along the instrumental good continuum as role spheres change from one individual to another or within an individual; this according to how much the shape of the role sphere, be it irregular or symmetrical, intrudes into the severe means side.

By adding this final parameter of role sphere considerations, the development of the model, for the purposes of this thesis, has been completed. A diagram of the complete model, showing all parameters and also illustrating the domain of the ethical region and the domain of the unethical region, is given in Figure 7. The "ethical threshold" is illustrated by the heavier black line.

The question of ethics in quadrants 2, 3, and 4 are fairly straight forward. In quadrant 2, good means pursuing good ends presents an ethical moral situation. In quadrants 3 and 4, pursuit of bad ends is always an unethical moral

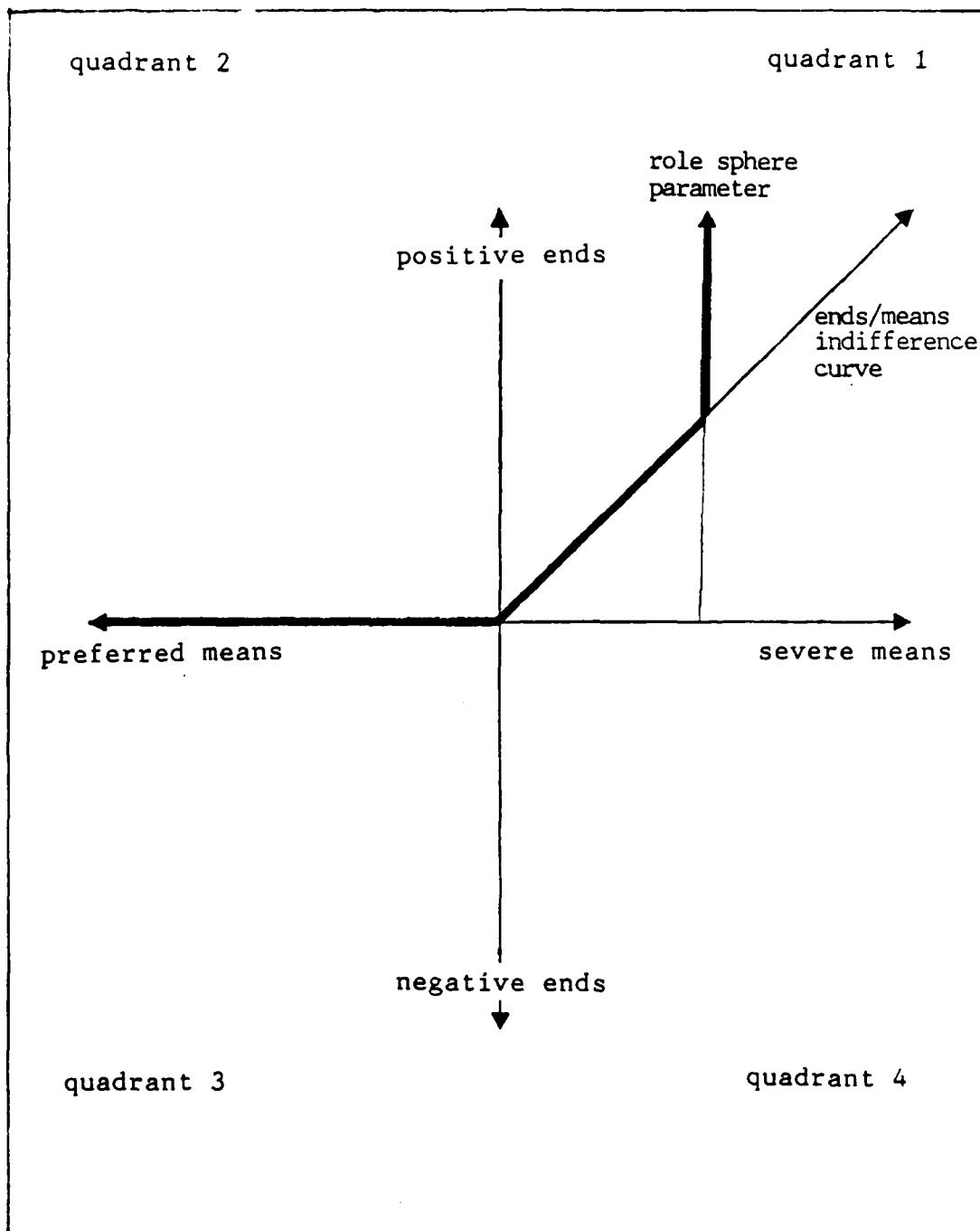


Figure 7. Ends, Means, and Role Sphere Model of the Ethical Threshold

situation. The tough moral decisions are the ones that fall in quadrant 1. Perhaps the greatest benefit of this model is as an aid in the consideration of situations which would fall in the area of quadrant 1 where the relationships of ends, means, and role spheres converge. In quadrant 1, an ethical moral situation is represented by a Cartesian coordinate above the ends/means indifference curve and to the left of the role sphere parameter.

This framework for organizing ethical considerations, will prepare people to address and discuss ethical questions. Model development could be continued into a third dimension. It would seem that the next logical candidate would be accountability, based on the knowledge level of the person making a moral choice. The question arises, "accountability to whom?" As has been emphasized earlier, a purpose of this thesis is development of a generic, non-theological ethical framework capable of broad application. Pursuing the accountability question would diverge from this purpose; it is hoped that the individual reader will incorporate their own judgments regarding accountability into the model. Therefore, for the purposes of this thesis, model development ceases here.

IV. Discussion of the Model

After I was shot down my wife, Sybil, found a clipping glued in front of my collegiate dictionary: "Education is an ornament in prosperity and a refuge in adversity."
(18:21)

Admiral James Bond Stockdale
Ranking American POW in Vietnam

Notwithstanding the justifications provided in Chapter 1, the reader may ask, after having read Chapters 2 and 3, "Of what practical value is this model?" This question is best dealt with as a subset of a broader question: "what good are ethical value systems in general?" Two lines of argument address this broader question: that value systems are generally passive, or that ethical value systems are in general quite active.

The passive argument is expressed by the quotation at the head of this page. This line argues that people employ their learned philosophical values primarily in coping with crises, and the rest of the time their philosophical systems are essentially ornamental. The passive argument might hypothesize that 95% of the time people will get along just fine with incomplete or unexamined value systems. People can operate in a satisficing mode, responding to the stimulus-response programming they have received from their environment. This will hold as long as life proceeds in a non-threatening, relaxed environment. However, in the other 5% of the time, when stress, strain, and friction create

challenging value dilemmas, people must reach beyond stimulus-response programming. Only in such cases is the usefulness of structured philosophical value systems obvious.

Admiral Stockdale discusses the importance of examining values in relation to his POW experience:

The philosopher Durants said that culture is a thin and fragile veneer that superimposes itself on mankind. For the first time I was on my own, without that veneer. I was to spend years searching through and refining my bag of memories, looking for useful tools, things of value. The values were there, but they were all mixed up with technology, bureaucracy, and expediency, and had to be brought up into the open.

Education should take care to illuminate values, not bury them

Generally speaking, I think education is a tremendous defense; The broader the better I'm not saying that we should base education on training people to be in prison, but I am saying that in stress situations, the fundamentals, the hardcore classical subjects [such as philosophy], are what serve best.

(18:12,21)

On the other hand, the argument that values are generally active would say that an "illumination" of ones ethical values can contribute to every aspect of a persons life. This approach was expressed in the Rychlak quotation in Chapter 1: that the more a "person contemplates the contingencies of behavior in a moral sense the greater the probability that his behavior will become even more predictable than before" (15:98). "Predictable," as used here, means reliable and responsible behavior, and the more responsible each person is, the better off society will be as a whole.

The difference between the active and passive arguments may be one of degree. Both argue that "illumination" of our personal value systems is important and beneficial. The ethical threshold model is offered as a device to aid in that illumination. It is intended that the model assist in sorting out ethical problems from the clutter of daily life. Beyond that, the model can be used by managers and leaders in the organizational socialization process, and can contribute to effective decision making.

The model is sufficiently flexible to be used utilitarians, formalists, or even ecclesiastics. The theory does not identify any single measure of moral value, but postulates that such a measure does exist and that man can approximate it by the use of knowledge and reason. A utilitarian can apply the model by thinking of tradeoffs between some economic utility function, such as happiness or pleasure, while a formalist may think of tradeoffs between values of moral principles. Since so much of ethical thought is tied up in word meanings and language--the nuances of which change across language barriers, a possible advantage of the model is that its geometric relationships hold up across those barriers.

Hypothetical Application

A hypothetical application of the model for demonstration purposes could be constructed as follows:

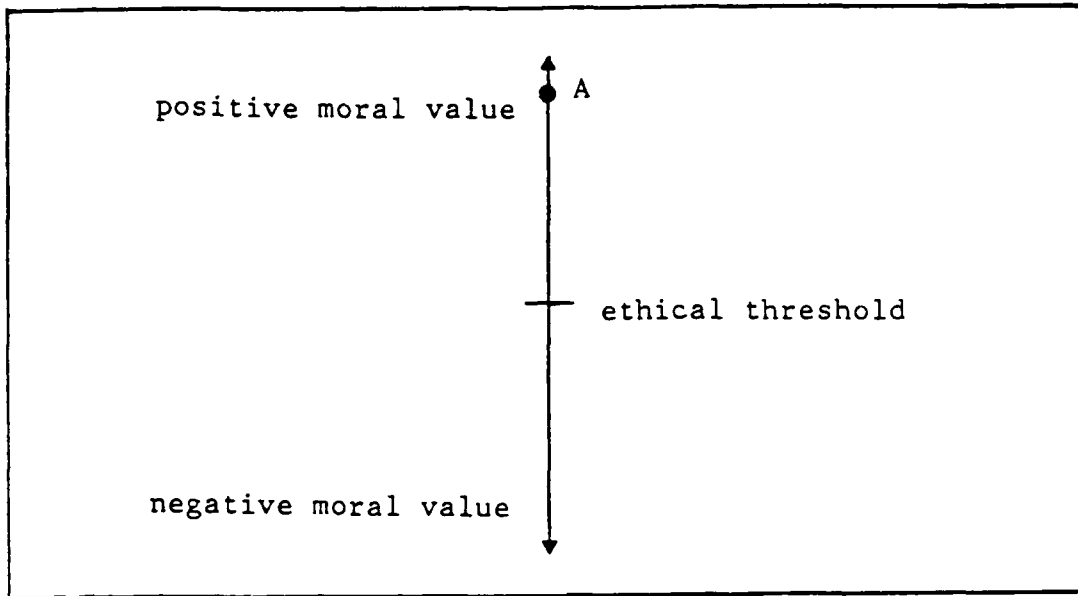


Figure 8. Hypothetical Example of Intrinsic Value

Assume a society is lacking certain information, the potential future value of which is extremely high. The intrinsic goodness value of the information might be represented by point A as shown in figure 8.

Several potential means, or categories of means, exist by which the information can be obtained. Each of the means represents a sort of "go/no-go" situation; either the information is obtained or it isn't. The categories of potential means could be:

- (1) ask for the information as a gift,
- (2) seek to purchase the information, or
- (3) lie, steal, kidnap, and/or kill for the information.

Also, if a particular option fails, the next option can still be exercised (means No. 2 can be attempted if means No. 1 fails, means No. 3 can still be attempted if No. 2 fails).

The instrumental goodness values of each of the means, in relation to the ends pursued, are illustrated in figure 9 as points B, C, and D respectively.

Note that, in this demonstration, the model does not deal with management effectiveness, but rather in the area of moral effectiveness. For example, if points B and C were each judged to have a 5% probability of success, and point D an 80% probability of success, a classical approach to decision making might, in theory, say to construct a decision tree or payoff table, and choose the option with the highest expected value. Other options would be dismissed as an inefficient use of resources.

Rather than using the maximization of expected value as the only decision ground rule, advocates of ethical values argue that other criteria must also be considered. A justification of such arguments can be made using the background provided in Chapter 2. Recall that as part of just war theory, one of the elements of jus ad bellum was that war should be a last resort. It was recognized that use of severe means, such as war, holds high costs to be extracted from society, even if the war can otherwise be justified as ethical. Since the sovereign has an implied social contract

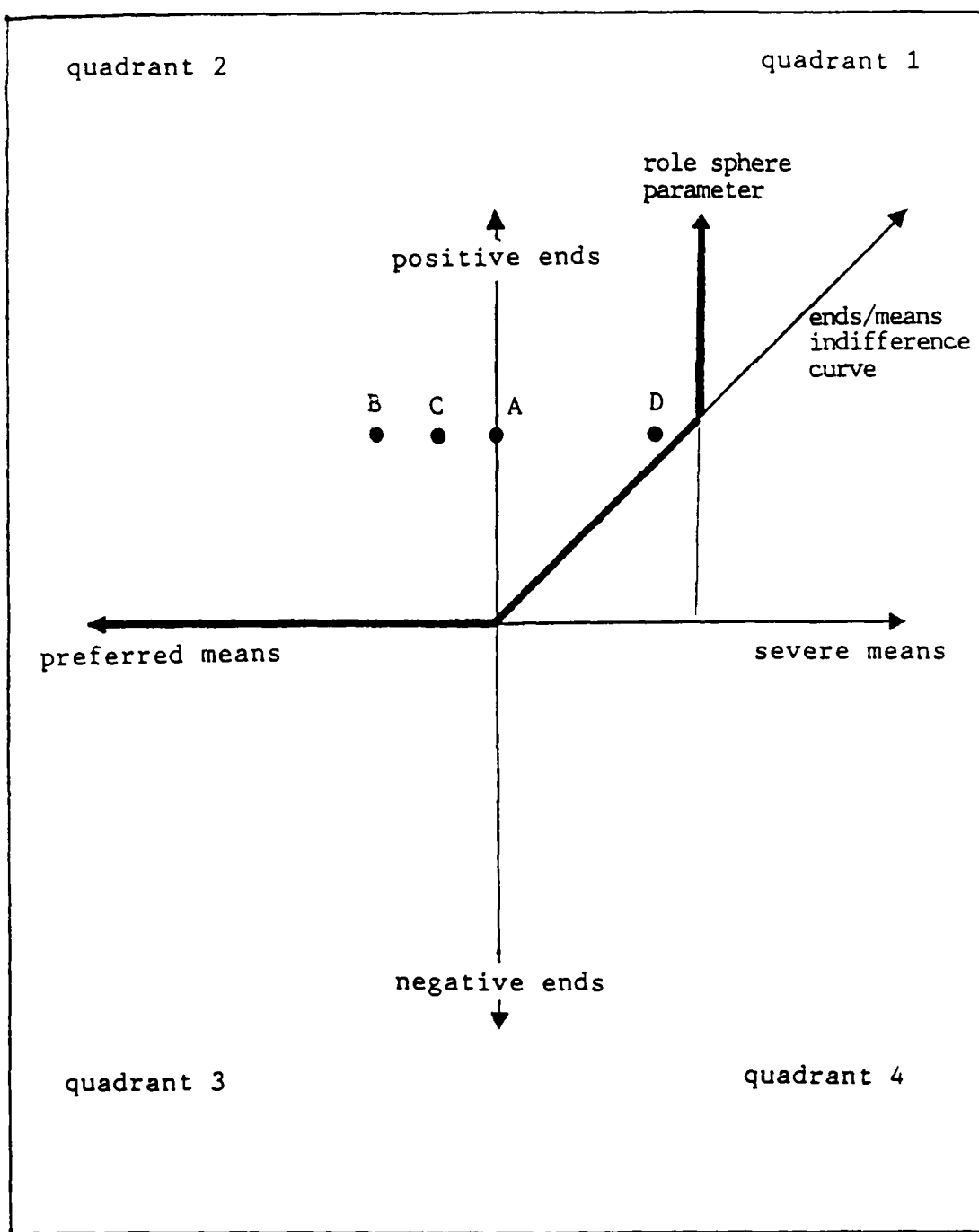


Figure 9. Hypothetical Example of Ends/Means Relationships

as an agent for society, a condition of such contract would be that the sovereign has an obligation to first seek alternate solutions before pursuing a course with such high costs, such as disruption of societal order.

By extending the above logic, it can be reasoned that use of any severe means, even if not so severe as war, will extract a cost from society. Also, use of a preferred means of a lesser value, in lieu of other alternatives which would be more preferred by society, represents an opportunity cost to society. Further, Chapter 2 explained that social contract theory has been broadened to not only apply to a sovereign, but also applies to businesses, institutions, groups, and individuals. Therefore, these other parties also have an obligation, as part of their social contracts, to use those means which extract the least cost from society.

Thus, the framework of the ethical threshold model would point to a management obligation to first pursue point B, then point C, and finally point D; despite very low probabilities of success for B and C. Use of the means categorized at point D can still be judged as ethical as long as the "goodness" value of the information exceeds the value of the moral principles that must be sacrificed to obtain the information.

Application to Air Force Integrity Issues

The 1983 ACSC report on integrity stated that 77% of officers and NCOs surveyed reported some pressure to compromise (pressure does not mean that compromise actually took place). The report indicated that "pencil whipping" was probably the most common integrity issue in the Air Force. The main reasons (or ends) given for compromising integrity were "career protection, making the organization look good, covering for the boss (making him/her look good) and getting the job done in spite of regulations." The means to achieving these ends were characterized by the report as "lying, cheating, or ignoring regulations" (8:viii).

In the context of the ethical threshold model, the ends which were mentioned all appear to have some merit, or positive value. In that case, the "pressure to compromise" actually represents a conflict of end values problem, where one value must be sacrificed in order to serve another value, and the positive ends and severe means (sacrifice of a positive end value) would give Cartesian coordinates falling in the quadrant 1 area.

Viewed in this light, one would expect that everyone faces a value conflict at some time or another, so it should not be surprising if 100% of respondents to such a survey reported some degree of pressure. Perhaps the issue was not adequately treated in the ACSC survey. Further, the structure of the survey does not lend itself to assessing or

estimating whether reported compromises fall above or below the 45 degree line in quadrant 1. In the case of "getting the job done in spite of regulations," perhaps instead of wringing its hands over an artificial integrity crisis, the Air Force should be delighted that its personnel have acute enough value systems to obey the natural law, despite the shortcomings of written guidance in regulations.

Corollaries

Consideration of the model can give rise to various interesting corollary lines of thought. A few examples follow.

Corollary 1: Summary of a Theory of Being behind the Model. Man is born in ignorance and without discipline, and progresses from that point. Also, man has a gregarious nature, forming into groups and societies, and rarely existing as an isolated individual. Conventions are established (customs, traditions, norms, regulations, laws) to guide the orderly functioning of society. These conventions represent the "social contract," or covenant of reciprocal expectations, to which all members of a society are party. Some of the terms and conditions are expressed explicitly in written laws and regulations. Other terms and conditions are simply understood, or implied.

Ideally, social contracts approximate the natural law. As societies progress towards a fuller knowledge and understanding of the truth in the natural law, differing moral

conventions and philosophical values should converge. A unitary moral system would then operate throughout the world.

Corollary 2: Approximating the Natural Law. It is postulated here that the extremes of the "goodness" continuums are not presently knowable, and perhaps not even approximateable. The traits or virtues which are requisite for proper compliance with (or approximation to) the natural law are:

- (1) Knowledge of the truth.
- (2) Understanding (reasoning ability, such as being able to conceptualize tradeoffs on the ends/means indifference curve).
- (3) Strength (power to perform actions which are necessary means to accomplishing good ends).
- (4) Discipline (self-mastery used to avoid violations of an ethical threshold).

Corollary 3: Known and Unknown Moral Principles. If one ascribes to the idea that man does not presently know what the greatest end or good is (we can only conceptualize some attributes which help to describe it), then the logical extension of the model and logic to the extremes would say that for any moral value or principle presently known to man, there exists a higher value or principle which is not known, for the attainment of which it would be ethical (if necessary) to sacrifice any presently known moral value.

Corollary 4: Convergence and Divergence of Value

Systems. Despite the fact that many philosophical systems exist today, human societies generally make a relatively consistent assessment of moral value. As conceptualized in the framework of the ethical threshold model, the extreme values of many philosophical systems diverge from the natural law parameters. However, as one moves toward the center of the value continuums, these philosophical systems converge toward each other and towards the natural law parameters. This is what makes orderly existence within a society possible. As long as a particular value system is sufficiently convergent as it approaches the origin of the Cartesian coordinate grid as to not cause harm to come to society, that value system will be tolerated.

V. Conclusions and Recommendations

Law and ethics can never be wholly separated. Both derive from human needs and interests rather than from the accidents of sovereignty.
(21:180)

1. This model can function as an instructional device and as a management tool. It can be used to conceptualize moral dilemmas, consider tradeoffs, and to justify decisions. The concepts embedded in the model would be especially useful in the education of individuals in institutions which society expects to operate in the extreme areas of the severe means spectrum, certainly including individuals involved in law enforcement and the military services.

RECOMMEND: Incorporation of the model concepts into professional military education (PME), especially Squadron Officer's School.

2. With a rough degree of quantification of model parameters, applications of the model have potential for improving quantitative decision making (QDM) techniques, such as linear programming, decision tree analysis, and payoff tables.

As was stated earlier, the model does not directly deal with the efficiency of means in accomplishing desired ends. Such evaluation falls more in the scope of operations research or QDM methods. However, the issues with which the

model deals are certainly important in management decisions, because, as was pointed out in the hypothetical example of the model, managers have an obligation, due to their social contracts, to consider moral values in their decisions.

By assigning relative numeric values to various Cartesian coordinates on the grid of the model, it can be incorporated into QDM methods. This subjective approach is consistent with present QDM practices; for example, percentages used in decision tree analysis are often subjectively derived. Such values as would be assigned on the grid could be taken as coefficients to be applied in objective functions and constraint equations for deriving linear programming equations.

RECOMMEND: Incorporation of the ethical threshold model into QDM and operations research techniques, to allow for a "moral coefficient" in decision formulas. This approach should be incorporated into the curriculum of business schools as to evaluate business ethics.

3. From a psychological view, the model appears to be pragmatic and to have intuitive validity in describing human behavior. Rigorous testing and analysis of the model as a psychological tool was beyond the resources available for this thesis effort.

RECOMMEND: That an institution such as the Air Force Human Resources Laboratory (AFHRL) undertake more empirical-

ly rigorous evaluation and testing of the model as a psychological tool for predicting and describing human motivation and behavior.

4. The model provides a useful framework for categorizing the nature of ethical dilemmas. This categorization scheme can improve the approach of research or survey efforts dealing with ethical issues, such as the various military studies recently conducted on integrity. It would clarify the nature of any perceived problem if, when asking a person about a compromise or pressure to compromise moral standards, the person could classify the situation as in either quadrant 3, quadrant 4, quadrant 1 below the ends/means indifference curve, or quadrant 1 above the ends/means indifference curve, and whether or not the role sphere parameter was violated. Assuredly, studies such as the ACSC surveys on integrity will be conducted by military institutions in the future.

RECOMMEND: That future surveys, such as those conducted by ACSC, incorporate the ethical threshold model in assessing compromises of ethical standards.

5. As was mentioned, the model has potential for expansion into additional dimensions through the incorporation of additional parameters such as management effectiveness, probability of success, and accountability or degree of responsibility for actions.

RECOMMEND: That future theoretical work be pursued to incorporate one or several of the potential additional parameters into a three dimensional model.

Discussion of the model with friends and acquaintances of various backgrounds indicates that while the model shows a broad range of applicability, it is not compatible with all philosophical systems. The concepts which form the basis of the model clash with various formulations of ethical relativism and ethical egoism. However, discussions with persons of Islamic and Judeo-Christian backgrounds indicate the secular model is compatible with these dissimilar ecclesiastic approaches; perhaps representing a middle ground of truth to which all can agree.

The pragmatic usefulness of the model will be demonstrated only in the test of time.

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Vita

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This thesis deals with the philosophical problem of distinguishing right from wrong. Concepts including the existence of truth, intrinsic good, instrumental good, natural law theory, social contract theory, just war theory, and role expectations are integrated into a geometric model of the ethical threshold.

The ethical threshold is a secular framework (as opposed to an ecclesiastical one) representing a crossover boundary between what is ethically justified and what is not. The framework deals more particularly with situations where severe means are contemplated to achieve good ends.

The model of the ethical threshold is offered as a device for illuminating or clarifying the issues surrounding ethical dilemmas. This illumination of values can be useful in coping with stressful situations, or it can be of benefit in every aspect of a person's life, depending on one's point of view. In either case, society will benefit. The model can be included in educational curriculum, can be incorporated into quantitative decision making techniques for managerial decisions, and can provide a categorization scheme for classifying ethical situations in future surveys or studies of ethical issues.

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